

COUNSEL GIVE UP ALL HOPE NOW

Authoritatively Stated That McCue's Lawyers Will Attempt Nothing More.

WHAT CASES ARE REVIEWED

But Few Can Go From State Court to United States Supreme Court.

There will be no appeal to the Supreme Court of the United States on behalf of J. Samuel McCue, the Charlottesville man, condemned to death for wife murder, this can be authoritatively stated despite rumors to the contrary. In special, also, from Charlottesville and Lynchburg, published in another column, it is stated upon excellent authority that there is no probability whatever that the attorneys who have made such a determined fight to save McCue will attempt any further appeal. This being true, the condemned man must die on the scaffold on Friday, February 10th, unless he shall sooner die a natural or violent death.

The alleged ground, on which it was rumored an appeal to the highest tribunal in the land may be had was the claim that the condemned man was not convicted by due process of law. In other words, some constitutional objection would have to be set up affecting the procedure at the trial and of such moment as to vitiate the action of the trial court. Sound lawyers, familiar with Federal practice, are confident that it is now too late to set up such objection to the trial.

But Three Classes.

Section 700 of the Revised Statutes of the United States enumerates three classes of cases in which the final decree or judgment of a State court may be re-examined in the Supreme Court of the United States. It is not necessary to name the first two classes, since they obviously do not embrace the case of McCue. The third class, in which a judgment of the State court may be reviewed by the Supreme Court, is that in which the State court has denied to a citizen the rights, title, privilege or immunity specially set up or claimed by either party under such Constitution, statute or authority. (Section 172, R. S. U. S., 475.)

Under this section applicable in the McCue case, if any be, the right, title, privilege or immunity must be specially set up or claimed in the State court at the proper time, and in the proper way. (Section 160, R. S. U. S., 468.)

A person claiming that some right, title, privilege or immunity has been denied him can ask the Supreme Court of the United States to grant a writ of error to the judgment of the highest court of the State rendering same, but such writ will not be allowed unless the party has set up specially such right, title, privilege or immunity in the State court. In the appeal to the State court there has been no specific claim that the constitutional rights of the prisoner have been denied or infringed, either by the trial court or by the appellate court.

MISS JETER WEDS NEW JERSEY MAN

(Special to The Times-Dispatch.) PLAINFIELD, N. J., Jan. 28.—Miss Sallie Mae Jeter, daughter of the late Dr. and Mrs. J. A. Jeter, of Lynchburg, Va., and Irving White, of Birmingham, Ala., were married at the home of the bride's aunt, in Westervelt Avenue tonight. Rev. Dr. J. A. Chambliss, pastor of the First Baptist Church, officiated. Miss Ida Jeter, a sister of the bride, was bridesmaid, and Ernest W. Wilmarth, of Brooklyn, a brother-in-law of the bridegroom, was best man. William E. Miller played the wedding march. After their honeymoon trip, Mr. and Mrs. Binninger will reside in Westervelt Avenue.

WHITEMAN, ALLEGED FORGER, RECAPTURED

(By Associated Press.) BUFFALO, N. Y., Jan. 28.—Alonzo J. Whiteman was recaptured to-day at his mother's home in Danville, Ky. He was locked up in Buffalo on a charge of forgery and grand larceny. Whiteman escaped from detectives by jumping through the window of a train at Dunkirk on September 17th, while being brought here from St. Louis. He had been charged first refused to admit the officers, but a few minutes later invited them to search the place. They were about to give up the search when one of the men outside caught sight of Whiteman on the roof. When seen at the fall this afternoon, Whiteman talked without restraint.

Goes to Atlanta.

Mr. J. Russell White, a well known Richmond boy, formerly employed as Associated Press operator in this city, later at the Eastern headquarters of the association, and more recently in charge of a brokerage where he will leave to-day for Atlanta to accept a position at the relay offices of the Associated Press there. Though still in his teens, he is an expert operator and is a very rapid sender. His new position is a responsible and difficult one.

RHEUMATISM

Rheumatism, one of the most painful of all diseases, is caused by an excess of uric acid in the blood and attacks the joints of the ankles, knees, hips, elbows, wrists and shoulders—even the fingers, toes and soles of the feet. It often attacks the neck, the back and most dangerous of all, the heart. The disease is accompanied by the most excruciating bone pains, and soon causes the joints to become stiff and practically useless.

Botanic Blood Balm (B. B. B.) reaches at once the internal source of the malady and counteracts the acid condition of the blood; dissolves and dissipates the rheumatic poison, relieves the pain, lubricates the joints and builds up the whole system. The fearful ravages of the disease are remedied and the sufferer gradually regains the strength and vigor of perfect health. It cures the most obstinate, long-standing cases where doctors, hot spring treatments and all other remedies have failed.

Botanic Blood Balm (B. B. B.) is sold by all druggists at \$1.00 per bottle, and is guaranteed to cure.

Botanic Blood Balm
B. B. B.

Manufactured by BLOOD BALM CO., Atlanta, Georgia

Baptist Minister Cured of Consumption

Rev. H. G. Reed, Eminent Divine, and Editor of the Sunday School Lesson, Restored to Health and Strength by Duffy's Pure Malt Whiskey.

"I owe my life to its use. I have lost one daughter by consumption, and I believe had she had Duffy's Pure Malt Whiskey she would be alive to-day."



REV. H. G. REED.

Gentlemen,—For several years I have suffered greatly with throat trouble and weak lungs. The doctors said I had consumption. I was able to keep up my work with great difficulty, but I finally got so bad that I had not strength to deliver an address. A member of my congregation recommended and brought me a bottle of Duffy's Pure Malt Whiskey. I took that one, and later on several more bottles, according to directions, and it has completely cured me.

I am opposed to whiskey as a beverage, but I know that your whiskey, which is sold as a tonic, is a most valuable medicine. I feel that I owe my life to it. I have lost one daughter with consumption, and I believe that had she had Duffy's Pure Malt Whiskey she would have been alive to-day. I trust that I can be of service to spring. Mr. Cassidy communicated with stewards of the Eastern Jockey Club, to learn if his standing on the turf would be affected if he acted as an official at a meeting of the new independent association. He received a reply that he could use his own judgment in the matter, and that his standing in the East would not be affected by department on the part of the Eastern Jockey Club.

At the opening of Panama Park, at New Orleans, February 13th, the first gun in the war will be fired. Although the dates for the tracks of the new circuit will not be allotted until February, men high in the turf organization assure that the new Orleans track will surely open on the date given above. It originally was intended to open on May 4th, but to help horsemen here, it was put off until February 13th.

Duffy's Pure Malt Whiskey

Consumption seldom attacks until the system is run down and weakened by sickness, overwork, worry, exposure or inherited tendencies. Duffy's Pure Malt Whiskey is the greatest strengthener and health builder known to medicine. It not only checks the ravages of the disease itself, but replaces the weakened, destroyed tissues, helps the stomach to more perfectly digest and assimilate food in order that the more, richer and purer blood will come from it; and regulates the governing heart's action, so that the circulation will be strong and powerful, carrying health and vigor to every organ and part of the human body.

Duffy's Pure Malt Whiskey is absolutely pure and free from fusel oil—the only whiskey recognized by the Government as a medicine. It has been prescribed by doctors of all schools and by reliable druggists and grocers everywhere for over 40 years. It is sold in a bottle. Every testimonial is published in good faith and guaranteed. Medical booklet free.

CAUTION—Be sure you get the genuine Duffy's Pure Malt Whiskey, manufactured by Duffy's Pure Malt Whiskey Co., Rochester, N. Y., and put up in sealed bottles, with the "Old Chemist" trade-mark on the label. Beware the many substitutes and imitations offered by unscrupulous dealers, because of the extra profit. They not only will not cure, but are positively dangerous.

GOVERNOR MONTAGUE IS WARMLY PRAISED

Railroad Magazine Marks Him as Fit for Presidency.

The current number of Saxby's Magazine, published in Cincinnati, and devoted to railroad interests, contains the following very complimentary reference to Governor Montague, of Virginia, who cannot help being especially the Westerner's favorite, and the judicial determination of the Governor of Littleton, Colorado, on the general passenger agents by his eloquent and forcible speech at the Littleton Convention. The magazine, sold by the Governor of the State, is a great pleasure and pardonable pride in the Governor of the State. The Governor of the State is a man of the first rank of the land. Governor Montague is one of the most polished politicians in the country. A man, you know, may be a politician and not a politician. Then, again, he may be a politician and decidedly unpolished. The Governor of the State is an able jurist, an exceptional brilliant speaker, and a man who keeps in touch with the signs of the times. Uncle Sam, if you want a representative Democrat to make a run for the White House, why here you are. The editor of the prominent railroad people at Old Point, and heard the Governor's address on that occasion.

Woman Severely Burned.

Virgie Evans, colored, stood too near the fire at No. 104 Main Street at 4 o'clock yesterday afternoon, and Dr. Leonard had to take her to the hospital, where she was sustained by the contact of her clothing with red-hot coals. Her limbs and back were painfully injured.

MURPHY OUTCLASSED BY ABE ATTELL

(By Associated Press.) PHILADELPHIA, Pa., Jan. 28.—In a six round bout at the National Athletic Club to-night, Tommy Murphy, of New York, was completely outclassed by Abe Attell, of San Francisco. Under the law no decision can be given in this city, but Attell's skill was so far superior to that of Murphy, that there could be no question of whom the honors belonged. Murphy fought wildly and was unable to avoid punishment inflicted by his opponent.

Mr. Kain Operated On.

Mr. E. H. Kain, of 313 West Clay Street, who underwent an operation for appendicitis a few days ago, by Dr. Johnston, at the Memorial Hospital, is now thought to be out of danger.

Approaching Marriage.

Cards are out for the marriage of Mr. A. Onesty and Miss Mary Paulero, to take place on February 8th, at 1 P. M., at Sacred Heart Church.

GREAT TURF WAR BREWING IN WEST

Threatens to Embroil All Leading Track Men in the Country.

WEIGHTS FOR BIG HANDICAP

Bill to Legalize Racing in Pennsylvania Now Being Considered by Legislature.

(Special to The Times-Dispatch.)

HOCKESSING, Ark., Jan. 28.—A turf war is brewing that threatens to embroil all the leading turf men in the country. It is a fight between "Ed" Corrigan, who heads the American Jockey Club, and the Western Jockey Club. How it will end is a question. At all events, and Corrigan, and at the present time the master of Hawthorne seems to have an able grasp on the situation. He probably will have about 11 tracks in the chain, organized to break the rule of the Western Jockey Club. This will leave nine tracks in the control of the latter. Probably it may be that the independent body and the Western Jockey Club may be able to hold the two clubs in the track, but expert turfmen insist that it will not be long before one of them is forced to the wall. Corrigan executed a master stroke when he offered Mars Cassidy the position of starter on the independent circuit. Cassidy, who is wrapping the carrier at Essex Park, will be with the new turf association, which has just been formed. At the close of Essex Park, he will go to Panama track, at New Orleans, to help the starting.

Mr. Cassidy communicated with stewards of the Eastern Jockey Club, to learn if his standing on the turf would be affected if he acted as an official at a meeting of the new independent association. He received a reply that he could use his own judgment in the matter, and that his standing in the East would not be affected by department on the part of the Eastern Jockey Club.

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D'Oro Challenged.

(Special to The Times-Dispatch.) BUTTE, Mont., Jan. 28.—Don D'Oro, champion pool player of the world, who recently successfully defended his title against Grant Eby, of St. Louis, has been challenged by Jerome H. Keogh, of this city. Keogh has mailed a challenge to D'Oro's representative, in which he offers to play for the championship and \$500 a side. This is the minimum amount allowed by the articles, which have been signed by the two players.

The local expert has backing, and from \$1,000 to \$3,000 will be wagered on his chances. If the match be arranged, it will be played at St. Louis, where D'Oro is located. The match will take place inside of forty days from the date of the challenge, and the holder of the medal can fix the place of play. The championship medal, to be retained permanently, must be successfully defended for a year by its holder. In his present form, Keogh may bring to a termination D'Oro's present run of success. During his career as a professional pool player, Keogh has several times held the world's championship.

Pupils for the High School.

W. S. Hough, principal of the Barton Heights School, has issued the following notice:

All pupils in Brookland District who are under the age of 18, and who wish to begin any of the new grades in either High or Grammar School Department, will please report promptly at the Barton Heights School, Wednesday, February 1, 1905, the first day of the second half session.

WILL TAKE ACCUSED BY FORCE IF NECESSARY

Fayette County Court Declines to Enter into Conference With Hargises.

(By Associated Press.) LEXINGTON, Va., Jan. 28.—Council for Elbert, Alexander and Judge Hargis, Edward Callahan and Jesse Spicer asked a conference here to-day with counsel to raise the Commonwealth to settle the question of jurisdiction, now at issue between Fayette and Breathitt County Courts in the trial of the Hargises, Callahan and Spicer on the charge of complicity in the assassination of Judge Cockrell. When special agents were sent to Lexington, in Breathitt County, for the men, the balliffs were resisted by Breathitt county authorities, who claimed that the Hargises, Callahan and Spicer were already under bond to a local magistrate. The Commonwealth's attorneys to-day declined to enter into the conference, asked for by counsel on the other side, and the Fayette County Court will now decline to enter into any conference, but will order the sheriff to go with deputies to Jackson and take the accused by force if necessary. The conviction of William Britton has given a new phase to the case.

Curse DRINK

Drunkennes Cured to Stay Cured BY WHITE RIBBON REMEDY

No taste. No odor. Any woman can give it in a glass of water, tea, coffee or food without being detected. White Ribbon Remedy will cure or destroy the disease appetite. It is a confirmed habit, a "tippler," social drinker or drunkard. Impulsive, nervous, or any one who has an appetite for alcoholic liquors after using White Ribbon Remedy, it has made many thousands of permanent drunkards steady, sober, and normal. Write Dr. W. R. Brown, 215 Tremont St., Boston, for trial package and full particulars. All letters are confidential and destroyed soon as answered.

Funeral of Mr. Garthright.

The funeral of Orion Russell Garthright, of 111 South Fifth Street, at 3 o'clock this afternoon.

Funeral of Mrs. Anne Fisher Hall.

The remains of Mrs. Anne Fisher Hall will be buried to-morrow afternoon. The funeral will be from Monumental Church at 3 o'clock.

Mrs. S. G. Sacrey.

(Special to The Times-Dispatch.) FREDERICKSBURG, Va., Jan. 28.—Mrs. S. G. Sacrey, widow of the late Benjamin Sacrey, died at her home here last night after an illness of several months, at the advanced age of eighty-four years. She is survived by six children, five sons and one daughter. They are George Sacrey, of Washington, William Lewis and Robert Sacrey, of Philadelphia, N. S. Sacrey, of this city, and Mrs. Sarah Middleton, of Bakersfield, California.

L. L. Howison.

(Special to The Times-Dispatch.) FREDERICKSBURG, Va., Jan. 28.—News has been received here of the sudden death at his home in Portland, Maine, of Mr. Ludwell L. Howison, formerly of

How Sick ness Starts In The Inside Nerves

Most forms of sickness start with the inside nerves. Indigestion, sour stomach, heartburn, dyspepsia—weak kidneys, diabetes, Bright's Disease—Liver irregularities—Heart irregularities—Howell's irregularities—all of these ailments, and the ailments which they, in turn, bring on, are due directly to derangements of certain nerve centers.

Understand first that we have two entirely separate nerve systems. When we walk, or talk, or act, we call into play a certain set of nerves—nerves which obey our mental commands. That is why the arm can be raised, or the mouth opened, or the eye shut, at the slightest desire. That is why your fingers can delicately pick up a pin at a moment, and hold a heavy hammer the next.

But these are not the nerves we are to consider here.

There is another set of nerves which control and govern and actuate the heart and the stomach, the kidneys and the liver and all of the vital functions. You cannot control these nerves. By no supreme effort of mind can you make your heart stop or start or even make it vary by a single beat or minute. And so with the stomach and the liver and the kidneys and the bowels—they are automatic—they do their work at a certain set speed whether you are awake or asleep—whether you will it or not.

It is on these inside nerves that life and health depends. So long as these nerves perform their proper duties, we are well and strong. When they fail, we know it by the (inevitable) symptoms—stomach, heart, liver, kidney troubles. And these troubles have no other origin, ever, than in these same nerves. For the stomach, the heart, the liver, the kidneys, have no power or control over themselves. They owe their every impulse to the inside nerves. The nerves are the masters. The organs their slaves.

But the most interesting part about the inside nerves is the bond of sympathy which exists between all centers and branches of this great automatic system.

The center, which, for instance, controls the stomach, is known to science as the "solar plexus." The heart center is called the "cardiac plexus." The kidney center, the "renal plexus." Yet it is a well known fact that in prize fights, a solar plexus blow instantly stops the heart, although its usual operations concern only the stomach. Why? Because of the bond of sympathy between the inside nerves. The nerves are the masters. The organs their slaves.

This explains why stomach trouble often develops into heart trouble—why indigestion brings on nervousness—why diseases become complicated. It explains, too, why ordinary medical treatments are wrong—why medicine so frequently fails.

For ordinary remedies are designed to treat the organs, not the nerve. When I first studied medicine, the whole foundation of what I was taught was:

For nervousness, give bromides.
For weak kidneys, give diuretics.
For a weak stomach, give peppin and bismuth.
For a weak heart, give stimulants.
To deaden pain, give a narcotic.
And so on.

I realized, too, that all ailments which result from one cause may, of course, be cured by one remedy. I resolved not to doctor the organs but to treat the one nerve system which governs them all.

For those who treat only the symptoms need a different remedy for each. Such treatments are only palliative; the results do not last. A cure can never come in disease of the stomach, heart, liver or kidneys, until the inside nerve power is restored. Nervousness, heart, liver, kidney troubles, there is no need of doctoring them.

My remedy—now known by Druggists everywhere, as Dr. Shoop's Restorative—is the result of a quarter century of endeavor along this very line. It does not dose the organ or deaden the pain—but it does go at once to the

nerve—the inside nerve—the power nerve—and builds it up, and strengthens it and makes it well.

There is no mystery—no miracle. I can explain my treatment to you as easily as I can tell you why cold freezes water and why heat melts ice. Nor do I claim a discovery. For every remedy that I offer is based on truths so fundamental that none can deny them. And every ingredient of my medicine is as old as the hills; it grows on, I simply applied the truths and combined the ingredients into a remedy that is practically certain.

But my years of patient experiment will avail you nothing if you do not accept my offer. For facts and reason and even logic will not cure. Only the remedy can do that.

In eighty thousand communities—in more than a million homes, Dr. Shoop's Restorative has been used, and those who have suffered it has relieved. There is not a physician anywhere who dares tell you I am wrong in the new medical principles which I apply. Your own common sense will tell you to treat not the ailment, organ, but the nerve that controls it. And for six solid years my remedy has stood the severest test a medicine was ever put to—I have said "If it fails it is free," and it has never failed where there was a possible chance for it to succeed.

But this mountain of evidence is of no avail to those who shut their eyes and ears away in doubt. For doubt is harder to overcome than "I believe." I cannot cure those who lack the faith to try.

So now I have made this offer. I disregard the evidence. I lay aside the fact that mine is the largest medical practice in the world, and come to you as a stranger. I ask you to believe not one word that I say till you have proven it for yourself. I offer to give you outright a full dollar's worth of Dr. Shoop's Restorative. No one else has ever tried so hard to remove every possible excuse for doubt. It is the utmost of my unbounded confidence can suggest. It is open and frank and fair. It is the supreme test of my limitless belief.

I have made my offer that strangers to my remedy may know. It is not intended for or open to those who have used my remedy. They need no further evidence. But to those who have not heard, or hearing, may have delayed or doubted, I say "simply write and ask." I will send you an order in your nearest drug store, or I will accept your check for one dollar. He will hand you from his shelves a standard sized bottle of my prescription, and he will send the bill to me.

Will you accept this opportunity to learn at my expense absolutely, how to rid forever of all forms of illness which are caused by inside nerve weakness? Will you try it? Will you send me your check for one dollar, or will you write to me?

For a free order for Book 1 on Dyspepsia, a full dollar bottle of Book 2 on the Liver, must address Dr. Shoop on the Kidneys, Shoop, Box 288, Book 3 for Women, Book 4 for Men, Book 5 for Rheumatism, which book you want, Book 6 on Rheumatism.

Mild cases are often cured by a single bottle. For sale at forty thousand drug stores.

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GERMAN COAL STRIKE NOT NEAR SETTLEMENT

(By Associated Press.) ESSEN, Jan. 28.—Since the conference between a committee of seven representatives of the government and the coal mine strikers have taken a pessimistic view of the situation and have abandoned hope of an early settlement of the strike. Commissioner von Velsow has returned to Berlin, where he will endeavor to secure the proposed revision of the mining laws in the interest of operations will have a damaging effect on the German manufacturing industry, intensifying the danger of a coal famine, and encourage operatives to come forward with greater demands.

OBITUARY.

Mrs. Anthony Bernard.
The death of Mrs. Anthony Bernard, which occurred at the residence of her son, James Donahoe, No. 720 South Pine Street, last Tuesday evening, removes from this city one of its oldest citizens. Born of French parentage, near Paris, France, nearly eighty-three years ago, she emigrated with her husband to this country a few years after the beginning of the Civil War. She first lived near Lexington, Va., then for many years in Lynchburg, but for the past eighteen years had resided in "Richmond. For a life of purity, virtue and simplicity hers was a model life. Her death, the earthy dust of two hearts joined and beat as one for fifty-five long years have been torn asunder, for she has left behind a devoted husband, who has also just passed the eighty-second milestone in life's journey. To all of her household duties with the activity of one twenty-five years her junior, but now all is done, and as she remarked just a few moments before her death, she has gone to rest. Nobly and pure in heart she lived; calmly and peacefully she died. Her deep sincerity, truth and honesty won the hearts of all with whom she came in contact, and to those whom she has left to mourn her loss, her life will always be a perpetual example of all that is good and true in womanhood.

Besides her husband and daughter, Mrs. Bernard leaves behind her the following grandchildren, Messrs. John B. Joseph A. James M. and Miss Mary C. Donahoe.

Mrs. Clotilde Marroni.
Mrs. Clotilde Marroni died at her home in Italy on January 25th, aged seventy-three years. She leaves two sons and one daughter. The funeral will be held at 3 o'clock this afternoon.

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